

Amend Ins 2301.03, effective 7-10-17 (Document #12228), cited and to read as follows:

Statutory Authority: RSA 400-A:15, I; RSA 402-H:11; RSA 402-H:15

Ins 2301.03 Application Forms.

(a) An administrator shall not operate as an administrator in this state without a certificate of authority or exemption from the department. Administrators wishing to do business in this state shall complete an application, an exemption registration, which shall be filed annually on a form provided by the department pursuant to requirements in RSA 402-H:11 and attached hereto as Appendix 1, Form TPA-1. Persons or entities that are specifically excepted by RSA 402-H:1, I shall complete an exception from licensing form, which shall be filed annually on a form provided by the department pursuant to the requirements of RSA 402-H:1, I(a) through (m) and attached hereto as Appendix 2, Form TPA-2.

(b) The application shall be completed and signed by an officer or authorized representative of the administrator. The complete application shall be filed at the department. The application shall be accompanied by the filing fee required in RSA 400-A:29, I(a).

~~[(c) The completed form shall contain:~~

- ~~(1) The administrator's name;~~
- ~~(2) The administrator's trade name, if used;~~
- ~~(3) The name of the insurer or person whose business is being administered;~~
- ~~(4) The administrator's business address;~~
- ~~(5) The name of the administrator's department contact person;~~
- ~~(6) The title of the administrator's department contact person;~~
- ~~(7) The address of the administrator's department contact person;~~
- ~~(8) The telephone number of the administrator's department contact person;~~
- ~~(9) A description of the administrator's responsibilities under the contract with the insurer or employer, including:~~
 - ~~a. Solicitation of coverage;~~
 - ~~b. Underwriting;~~
 - ~~c. Collection of charges/premium;~~
 - ~~d. Claims adjustment;~~
 - ~~e. General management services;~~
 - ~~f. Distribution of advertising materials;~~
 - ~~g. Claims payment; and~~
 - ~~h. An explanation of any other services provided;~~
- ~~(10) The effective date of the administrator's contract with the insurer or other person;~~

~~(11) The physical location of the books and records maintained by the administrator pursuant to the contract with the insurer or other person;~~

~~(12) The coverage amounts, terms, and identity of the carrier of any reinsurance in effect or to be carried for the benefits to policyholders administered by the contract;~~

~~(13) An executed copy of the administrator's contract with the insurer or other person;~~

~~(14) The identity of the insurer or other person to the contract and services provided by the administrator under any other contract whether in this state or any other state;~~

~~(15) The identity of all individuals or entities who are responsible for the conduct of the affairs of the administrator including:~~

~~a. All members of the board of directors, trustees, executive committee, or other governing board or committee;~~

~~b. The principal officers in the case of a corporation;~~

~~c. The partners in the case of a partnership or association;~~

~~d. Shareholders holding, directly or indirectly, 10 percent or more of the voting securities of the administrator; and~~

~~e. Any other person who exercises control or influence over the affairs of the administrator;~~

~~(16) An attached biographical affidavit from each person responsible for the conduct of the affairs of the administrator including:~~

~~a. Name;~~

~~b. Current address;~~

~~c. Official position;~~

~~d. Professional qualifications; and~~

~~e. Any conviction of a crime other than minor traffic violations in the past 10 years;~~

~~(17) An attached copy of the notification to be sent to the insurer's policyholders informing them of the administrator's contracted services;~~

~~(18) An attached copy of all advertising and marketing materials to be distributed by the administrator prior to distribution of any such materials;~~

~~(19) An attached copy of all basic organizational documents of the administrator including any articles of incorporation, articles of association, partnership agreement, trade name certificate, trust agreement, shareholder agreement, and all amendments to such documents;~~

~~(20) An attached copy of the bylaws, rules, regulations, or similar documents regulating the internal affairs of the administrator;~~

~~(21) An attached copy of the audited financial statements which reflect the solvency of the administrator by a certified public accountant for the 2 most recent years, including the opinion of the CPA and all notes to the statements;~~

~~(22) An attached statement describing the business plan, including information of staffing levels and activities to be performed in this state and nationwide under the contract including:~~

~~a. Details describing the administrator's capability to perform the contracted services; and~~

~~b. Sufficient experienced and qualified personnel for such services as underwriting, claims processing, and record keeping;~~

~~(23) If the administrator shall be managing the solicitation of new or renewal insurance policies, attach documentation to the application that clarifies whether the administrator is, or has employed or contracted with a producer licensed by this state for solicitation and taking of applications;~~

~~(24) If the administrator is not an individual and intends to directly solicit insurance contracts or to otherwise act as an insurance agency, attach documentation to the application demonstrating licensing in the state; and~~

~~(25) An affidavit by an officer of the insurer attached to the contract pursuant to Ins 2301.03 (e)(13).~~

~~(d) The exception registration shall contain:~~

~~(1) The administrator's name;~~

~~(2) The administrator's trade name, if used;~~

~~(3) The name of the insurer or person whose business is being administered;~~

~~(4) The administrator's business address;~~

~~(5) The name of the administrator's department contact person;~~

~~(6) The title of the administrator's department contact person;~~

~~(7) The address of the administrator's department contact person;~~

~~(8) The telephone number of the administrator's department contact person;~~

~~(9) The reason or reasons for which an exception is claimed; and~~

~~(10) An affidavit of the administrator's authorized representative pursuant to Ins 2301.03 (d)(9) above.}~~

~~([e]c)~~ For any pooled risk management program operated pursuant to RSA 5-B, a completed copy of the RSA 5-B:4 informational filing may be submitted as an exemption registration.

~~([f]d)~~ An application or exemption registration shall not be deemed to be filed until all of the information necessary to properly process the application or exemption has been received by the commissioner.

~~([g]e)~~ An application by a corporation, association, partnership or benefit society shall be accompanied by a current certificate of good standing as a business corporation in this state.

(~~h~~f) An administrator shall notify the commissioner in writing of any change in the information required to be filed under these rules including, but not limited to, a change of address or name, no later than 30 days after the change.

(~~i~~g) Where any form used for compliance with this rule mentions perjury, perjury shall mean any applicable penalty found in RSA 641, falsification in official matters, including RSA 641:3, unsworn falsification.

APPENDIX A

Rule	Specific State Statute the Rule Implements
Ins 2301.03	RSA 400-A:15, I; RSA 402-H:11